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RATNERPRESTIA			SANDERS, AARON J	
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DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/800,812

**Applicant(s)**

DE LA ROSA, JOSEP LLUIS

**Examiner**

Aaron J. Sanders

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 15 March 2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Specification*

The abstract of the disclosure is objected to because it is longer than 150 words and more than one paragraph. Appropriate correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informality: margins should be one inch. Appropriate correction is required.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Drawings*

The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

Applicant is given a TWO MONTH time period to submit a drawing in compliance with 37 CFR 1.81. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a). Failure to timely submit a drawing will result in **ABANDONMENT** of the application.

### *Claim Objections*

Claim 1 is objected to because of the following informalities:

Claim 1 refers to attribute  $V_i$ . There is no antecedent basis for this limitation in the claim. For purposes of examination, it is interpreted to read  $V_i$ . Appropriate correction is required.

Claim 1 includes the clause, 'calculating at least one of importance, weight and/or sensibility each of said attributes  $v_i$  has on said person  $j$  for predicting future market decisions of said person  $j$ ', which is incomprehensible as written. Appropriate correction is required.

Claim 1 also includes the limitations, 'creating a database A' and P 'for every person'. There is no antecedent basis for the limitation 'every person' in the claim. For purposes of examination, the phrase is interpreted to read, 'for every person  $j$ '.

Claim 6 is objected to because of the following informality: The claim refers to a weight  $w_{ii}$ . There is no antecedent basis for this limitation in the claims. For purposes of examination,  $w_{ii}$  is interpreted to read  $w_{ij}$ . Appropriate correction is required.

Claim 9 is objected to because of the following informality: Claims are to be complete sentences. The claim does not have a period. Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. There is no 'physical transformation' or 'useful, concrete, or tangible result' claimed. For example, 'showing said attributes' in claim 1 does not constitute a concrete or tangible result. Also in claim 1, 'creating a database' is not a physical transformation.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Herz et al., U.S. Pat. 5,835,087.

As per claims 1-14, Herz et al. teach:

1. A method for influencing market decisions of people in the market, the method comprising the steps of:

- creating an universe of N attributes  $V_i = [v_1, v_2, \dots, v_N]$ , characteristics or values to be shown or exposed to a person j (See e.g. Brief Summary par. 15, '(b.) a digitally represented profile indicating that target object's attributes is termed a "target profile"'), and

- showing said attributes  $v_i$  to said person j and calculating at least one of importance, weight and/or sensibility each of said attributes  $v_i$  has on said person j for predicting future market decisions of said person j, and expressing the corresponding results of said calculation as  $W_{ij} = [w_{1j}, w_{2j}, \dots, w_{Nj}]$  (See e.g. Brief Summary par. 11, 'Chang et al. teaches a method in which users choose terms to use in an information retrieval query, and specify the relative weightings of the different terms. The Chang system then calculates multiple levels of weighting criteria'),

wherein the method further comprises at least the steps of:

- creating a database  $A = [a_{ij}]$  including, for every person, said universe of attributes  $V_i$  ordered by their calculated weight  $W_{ij}$  (See e.g. Brief Summary par. 15, '(f.) a profile consisting of a collection of attributes, such that a user likes target objects whose profiles are similar to this collection of attributes, is termed a "search profile"', which means that a 'search profile' is a collection of weighted attributes based on the user's preferences), and

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- creating a database  $P = [p_{ij}]$  including, for every person, said universe of attributes  $V_i$  ordered by a corresponding objective interest level  $Z_i = [z_1, z_2, \dots, z_N]$  (See e.g. Brief Summary par. 15, '(e.) a summary of digital profiles of target objects that a user likes and/or dislikes, is termed the "target profile interest summary" of that user' which means that said 'profile' is a collection of attributes the user is interested in).

2. The method of claim 1, further comprising the step of:  
consulting said database A and selecting from it those attributes  $v_i$  whose importance, weight and/or sensibility  $w_{ij}$ , for said person j, are higher than a specific value, and showing only those selected attributes to said person j (See e.g. Detailed Description par. 116, '5. At step 13B03, if  $d(P, p_i) < t$ , a threshold, branch to one of two options' where 'P' is a 'target profile' and 'p<sub>i</sub>' is another profile).

3. The method of claim 1, further comprising the step of:  
consulting both said databases A and P and selecting from them those attributes  $v_i$  whose importance, weight and/or sensibility  $w_{ij}$ , for said person j, are higher than a specific value, and whose objective interest level  $z_i$  are higher than another specific value, and showing only those selected attributes whose objective interest level  $z_i$  are higher than said another specific value to said person j (See e.g. Brief Summary par. 15, '(g.) a specific embodiment of the target profile interest summary which comprises a set of search profiles is termed the "search profile set" of a user' which means that the 'search profile set' is the set of weighted attributes the user is interested in).

4. The method of claim 2, wherein said steps of consulting said database A, selecting said attributes and showing said selected attributes  $v_i$ , are done for a group of people instead of only one person j (See e.g. Brief Summary par. 18, 'the system for customized electronic identification of desirable objects uses a fundamental methodology for accurately and efficiently matching users and target objects by automatically calculating, using and updating profile information that describes both the users' interests and the target objects' characteristics').

5. The method of claim 3, wherein said steps of consulting said databases A and P, selecting said attributes and showing said selected attributes  $v_i$ , are done for a group of people instead of only one person j (See e.g. Brief Summary par. 18, 'the system for customized electronic identification of desirable objects uses a fundamental methodology for accurately and efficiently matching users and target objects by automatically calculating, using and updating profile information that describes both the users' interests and the target objects' characteristics').

6. The method of claim 1, wherein said databases A and P include said attributes  $v_i$  and their corresponding weight  $w_{ij}$ , related to every person, by using tuples, wherein  $[a_{ij}] = \langle v_i, w_{ij} \rangle$  of tuples <attribute, weight> and  $[p_{ij}] = \langle v_i, z_i \rangle$  of tuples <attribute, interest> (See e.g. Detailed Description par. 36, 'perhaps the user has shown a past interest in films whose review text (attribute h) contains words like "chase," "explosion," "explosions," "hero," "gripping," and "superb." This generalization is again useful in identifying new films of interest' which shows a direct relation between attributes and their weights, and e.g. Detailed Description pars. 25-26,

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‘where the system for customized electronic identification of desirable objects is activated to identify movies of interest, the system is likely be concerned with the values of attributes such as these: (a.) title of movie’ which shows a direct relation between attributes and user interests).

7. The method of claim 2, wherein said consulting of said database A is done automatically (See e.g. Brief Summary par. 16, ‘the present invention automatically constructs... a “target profile interest summary” for each user, which target profile interest summary describes the user’s interest level in various types of target objects’ which requires automatic access to the user’s ‘search profiles’).

8. The method of claim 3, wherein said consulting of said databases A and P is done automatically (See e.g. Brief Summary par. 16, ‘the present invention automatically constructs... a “target profile interest summary” for each user, which target profile interest summary describes the user’s interest level in various types of target objects’).

9. The method of claim 2, wherein at least one of said attributes  $v_i$  includes at least two others of said attributes  $v_i$  (See e.g. Brief Summary par. 18, ‘Attributes may include, but are not limited to, the following: ... (4) associations with other types of objects (list of actors in a movie, list of persons who have read a document)’).

10. The method of claim 3, wherein at least one of said attributes  $v_i$  includes at least two others of said attributes  $v_i$  (See e.g. Brief Summary par. 18, ‘Attributes may include, but are not limited to, the following: ... (4) associations with other types of objects (list of actors in a movie, list of persons who have read a document)’).

11. The method of claim 1, wherein said attributes  $v_i$  refer to different articles (See e.g. Brief Summary par. 18, ‘Attributes may include, but are not limited to, the following: (1) long pieces of text (a newspaper story, a movie review, a product description or an advertisement)’).

12. The method of claim 1, wherein said attributes  $v_i$  are different characteristics of an article (See e.g. Brief Summary par. 18, ‘Attributes may include, but are not limited to, the following: (1) long pieces of text (a newspaper story, a movie review, a product description or an advertisement), (2) short pieces of text (name of a movie’s director, name of town from which an advertisement was placed, name of the language in which an article was written), (3) numeric measurements (price of a product, rating given to a movie, reading level of a book), (4) associations with other types of objects (list of actors in a movie, list of persons who have read a document)’ where e.g. ‘a movie review’, the ‘name of a movie’s director’, and the ‘list of actors in a movie’ are all characteristics of an article, in this case, a movie).

13. The method of claim 10, wherein said weight  $w_{ij}$  of said attributes  $v_i$  is a number which reflects at least one of (i) the quantity of a specific article and (ii) articles with a specific characteristic, likely to be acquired (See e.g. Detailed Description par. 65, ‘a target object’s popularity (or circulation) can be usefully measured as a numeric attribute specifying the number of users who have retrieved that object’ where the ‘target object’ is the ‘article’ and its

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'popularity' is its 'weight'. See also, e.g. Detailed Description par. 67, 'a textual attribute, such as the full text of a movie review, can be replaced by a collection of numeric attributes that represent scores to denote the presence and significance of the words "aardvark," "aback," "abacus," and so on through "zymurgy" in that text. The score of a word in a text may be defined in numerous ways. The simplest definition is that the score is the rate of the word in the text' where the words in the text are the 'articles' and the 'rate' at which they appear is their 'weight').

14. The method of claim 1.1, wherein said weight  $w_{ij}$  of said attributes  $v_i$  is a number which reflects at least one of (i) the quantity of a specific article and (ii) articles with a specific characteristic, likely to be acquired (See e.g. Detailed Description par. 65, 'a target object's popularity (or circulation) can be usefully measured as a numeric attribute specifying the number of users who have retrieved that object' where the 'target object' is the 'article' and its 'popularity' is its 'weight'. See also, Detailed Description par. 67, 'a textual attribute, such as the full text of a movie review, can be replaced by a collection of numeric attributes that represent scores to denote the presence and significance of the words "aardvark," "aback," "abacus," and so on through "zymurgy" in that text. The score of a word in a text may be defined in numerous ways. The simplest definition is that the score is the rate of the word in the text' where the words in the text are the 'articles' and the 'rate' at which they appear is their 'weight').

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Albanese, U.S. P.G. Pub. 2004/0111360 and Raghunandan, U.S. Pat. 7,065,550.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Sanders whose telephone number is 571-270-1016. The examiner can normally be reached on M-Th 7:30a-5:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bruce can be reached on 571-272-2487. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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